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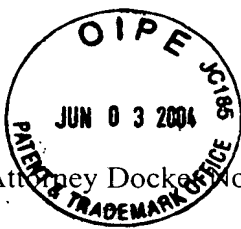
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6-04-04

DAC/IFW

Attorney Docket No. 5308-166CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Stephan Mueller

Serial No.: 10/756,542

Group Art No.: 1765

Filed: January 13, 2004

Confirmation No.: 3861

For: METHODS OF FABRICATING SILICON CARBIDE CRYSTALS

June 3, 2004

Office of Patent Legal Administration

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of January 13, 2004 rather than January 14, 2004 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of January 13, 2004 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

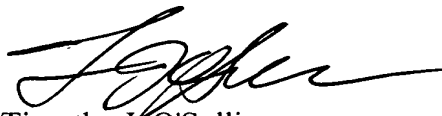
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com), showing "acceptance" or deposit date with the USPS at 5:38 p.m. on January 13, 2004; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of January 14, 2004 instead of the Express Mail date of January 13, 2004.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of January 13, 2004 as the filing date pursuant to 37 CFR § 1.10.

In re: Stephan Mueller
Serial No.: 10/756,542
Filed: January 13, 2004
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



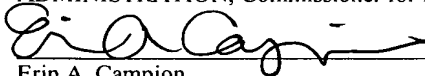
Timothy J. O'Sullivan
Attorney For Applicant
Registration No. 35,632

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATE OF EXPRESS MAIL

Express Mail Label Number EV 472538974 US
Date of Deposit: June 3, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to OFFICE OF PATENT LEGAL ADMINISTRATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Erin A. Campion
Date of Signature: June 3, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

ATTY DOCKET NO.: 5308-166CT

DATE: January 13, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application
☒ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: 09/862,108; filed May 21, 2001, the disclosure of which is incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier:

Steven Mueller -- Durham, North Carolina

Entitled: **METHODS OF FABRICATING SILICON CARBIDE CRYSTALS**

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 39072

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 20 pages of Specification (including 54 claims)
3. ☒ 4 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☐ newly executed (*original or copy*)
 - b. ☒ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
 - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☒ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers filed in parent application (copy not enclosed)
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.


10. ☒ Information Disclosure Statement, PTO-1449, and 51 references cited
 11. ☒ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
 12. ☐ English Translation Document
 13. ☐ Certified Copy of Application No. ; Filed
 14. ☐ Sequence Listing/ Sequence Listing Diskette
 a. ☐ computer readable copy
 b. ☐ paper copy
 c. ☐ statement in support
 15. ☐ An Associate Power of Attorney
 16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
 17. ☐ Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).
 18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.
 19. ☐ Other:

The fee has been calculated as shown below:

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| INDEP CLAIMS | 2 - 3 = | 0 | x 43 = \$ | x 86 = \$.00 |
| <input type="checkbox"/> MULTIPLE Dependent Claims Presented | | | + 145 = \$ | + 290 = \$ |
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☐ A check in the amount of \$ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
☐ Please charge my Deposit Account No. 50-0220 in the amount of \$770.00 to cover the filing fee.
☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
 a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



 Timothy J. O'Sullivan
 Registration No. 35,632

CERTIFICATE OF EXPRESS MAILING

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 Traci A. Brown



Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TJO/tb

Date: 1/13/04

Doc. No. 5308-166 CT

Serial No. 11a

Inventor: Mueller

Sir: Kindly acknowledge receipt of the accompanying items listed below by placing your receiving stamp hereon and return mailing:

Continuation Application Transmittal and:

- ☒ Specification pages
- ☒ No. of Claims
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- ☐ Assignment and Fee
- ☒ Small Entity Statement
- ☒ Formal Drawings/ sheets
- ☒ Associate Power of Attorney
- ☒ Exp. Mail

- Check \$
- ☒ IDS & PTO-1449 & 51 refs. cited
- ☐ Amendment & Amend. Transmittal
- ☐ Preliminary Amendment
- ☐ Issue Fee
- ☐ Brief
- ☐ Appeal
- ☐ Submittal of Priority Doc.

Other: Ist Class Mail

Respectfully submitted,
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attorneys for Applicant

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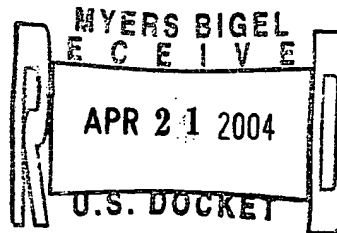


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39072
MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627



CONFIRMATION NO. 3861

FILING RECEIPT



OC000000012387428*

Date Mailed: 04/19/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Stephan Mueller, Durham, NC;

Domestic Priority data as claimed by applicant

This application is a CON of 09/862,108 05/21/2001 PAT 6,706,114

Foreign Applications

If Required, Foreign Filing License Granted: 04/16/2004

Projected Publication Date: 07/29/2004

Non-Publication Request: No

Early Publication Request: No

04-21-04 A09:18 IN

Title

Methods of fabricating silicon carbide crystals

Preliminary Class

117

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